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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/771,681	02/03/2004	Eric Blusseau	1948-4838	4036
27123 7590 01/24/2007 MORGAN & FINNEGAN, L.L.P. 3 WORLD FINANCIAL CENTER NEW YORK, NY 10281-2101			EXAMINER REHM, ADAM C	
			ART UNIT 2885	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE 3 MONTHS		MAIL DATE 01/24/2007	DELIVERY MODE PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/771,681

Applicant(s)

BLUSSEAU, ERIC

Examiner

Adam C. Rehm

Art Unit

2875

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 November 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,8,11-18,21,22,24-26,30,32 and 34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,8,11-18,21,22,24-26,30,32 and 34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 November 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claim 24 is objected to because of the following informalities: Applicant claims "a one of the three intensity zones farthest away from the headlight." Examiner notes that Applicant does not appear to disclose the distance from one intensity zone to another or whether one zone is further away than another. As such, Examiner is unable to ascertain what is meant by "intensity zone *farthest* away." Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 2, 8 and 11-18 are rejected under 35 U.S.C. 102(b) as being anticipated by MARTIN ET AL (US 2003/0227774). MARTIN provides a headlight device (200 in Fig. 2A) comprising:

- A luminous source/main-beam headlight/diodes (810-1/810-2/810-3 in Fig. 8) for an automobile (Paragraph 5), grouped together and having a cylinder-shaped arrangement (Fig. 2A);
- Wherein the number of diodes being separate from each other and between 4 and 20 emitting visible luminous rays (1310-1 to 1310-6, Fig. 12, Paragraph 68; Fig. 13 illustrates 6 lights 1310-x);

- A reflecting/mirrored surfaces (812) that reflect light with dedicated/sectionalized/matrixed reflection surfaces that are adjacent to each other; wherein a totality of diode ray propagation reaches a specific non-horizontal reflecting surface (814-1/814-2/814-3, Paragraph 61, Fig. 8 and 1314, Paragraph 68, Fig. 13) having non-horizontal areas that contribute to range (Fig. 2A);
- Wherein the switching on of one element luminous source/LED can be controlled independently of the switching on of other element luminous sources (Paragraph 80);
- At least one of the reflecting surfaces, to reflect luminous rays produced by the diodes into a luminous beam having areas of range, breadth and comfort wherein at least two of the diodes are arranged relative to the reflecting surface to provide a range contribution, at least one of the diodes is arranged relative to the reflecting surface to provide a breadth contribution and at least one of the diodes is arranged relative to the reflecting surface to provide a comfort contribution (Fig. 13, 1314-X and 1310-X illustrate LEDs dedicated to reflector segments; Figs. 15-18 illustrate a plurality of LEDs dedicated to reflector segments; Para. 78-80 disclose dynamic lighting wherein various LEDs are independently used to contribute to distance, short and long, and breadth, wide or narrow).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over CHAPMAN ET AL. (US 5,984,494) and further in view of FERNANDEZ (US 6,756,893). CHAPMAN provides:

- A luminous source/LEDs to emit a first light (28/32, Fig. 8);
- At least one reflecting surface to reflect rays produced by the source (140, 142, Column 6, Line 42-Column 7, Line 12 discloses light re-directing/reflecting shields);
- A supplemental discharge/halogen lamp to emit a second visible light for the area of range/distance (36);
- A halogen reflector having a specific area of reflection that is dedicated to it (46, Fig. 5 illustrates a discharge lamp with a reflective surface dedicated to it); and
- Wherein the luminous source/diodes are set aside for the areas of comfort (Column 6, Line 42-Column 7, Line 12 discloses light re-directing/reflecting shields for re-directing light away from the user).

4. While CHAPMAN substantially discloses the claimed invention including a halogen bulb light source as provided above, CHAPMAN does not disclose a light source having a secondary LED light source for comfort. However, FERNANDEZ teaches incorporating LEDs as a secondary light source for a headlight in order to provide comfort, e.g. aesthetic appeal (see ABSTRACT). It would have been obvious to one of ordinary skill in the art at the time of invention to modify CHAPMAN and use the LEDs as taught by FERNANDEZ in order to add comfort/aesthetic appeal to a headlight.

5. Claims 22, 24-26, 30, 32 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over CHAPMAN ET AL. (US 5,984,494) and FERNANDEZ (US 6,756,893), as applied to Claim 21 and in further view of Applicant's admitted prior art. CHAPMAN discloses a mobile vehicle/automobile headlight (see ABSTRACT) comprising:

- A luminous source/LEDs to emit a first visible light and positioned a distance from one another (28/32, Fig. 8);
- At least one reflecting surface to reflect rays produced by the source (140, 142, Column 6, Line 42-Column 7, Line 12 discloses light re-directing/reflecting shields);
- Wherein the LED is set in the reflecting surface (Fig. 8);
- A supplemental discharge/halogen lamp to emit a second visible light (36);

- A halogen reflector having a specific area of reflection that is dedicated to it (46, Fig. 5 illustrates a discharge lamp with a reflective surface dedicated to it); and
- Wherein the luminous source/diodes are set aside for the areas of comfort (Column 6, Line 42-Column 7, Line 12 discloses light re-directing/reflecting shields for re-directing light away from the user).

6. CHAPMAN does not specifically disclose at least three visible light intensity zones or a cut-off line.

7. Regarding the zones, Applicant admits that variable visible intensity zones are known including a long-range zone approximately 70 meters away from the headlight, a comfort zone approximately 40 meters away from the headlight and a breadth zone approximately 30 meters away from the headlight (Paragraph 23). Applicant states these zones are provided for the purpose of providing optimum visibility based on distance (*Id*). It would have been obvious to one of ordinary skill in the art at the time of invention to modify CHAPMAN and use the zones as taught by Applicant's admitted prior art in order to optimize a headlight beam.

8. Regarding the cut-off line, Applicant admits that headlight cut-off lines are known for providing desired illumination (Paragraphs 20, 22 and 24). It would have been obvious to one of ordinary skill in the art at the time of invention to modify CHAPMAN and use the cut-off line as taught by Applicant's admitted prior art in order to achieve desired illumination.

Response to Amendment

9. Applicant's amendment filed 11/3/2006 has been received.
10. In view of the amendment, the objections to the drawings are withdrawn and they are accepted.

Response to Arguments

11. Applicant's arguments have been fully considered but are not persuasive.
12. Applicant's arguments are substantially moot in view of the new grounds of rejection.
13. Applicant asserts that "Martin treats his diodes and reflectors as a unit that together forms a particular pattern, and thus Martin fails to disclose that the diodes and reflecting surface [are] configured so that specific areas of the reflecting surface contribute to the three aspects of the luminous beam (e.g., range, breadth, or comfort)." Examiner respectfully disagrees. Notably, Martin specifically discloses the independent use of the diodes in order to generate respective patterns and that form different parts of a far-field pattern (Para. 78). Martin also discloses the use of the diodes for various applications, including creative dynamic lighting where the light pattern is adaptively changed such as with a vehicle wherein the light pattern adjusts relative to the vehicles environment or orientation, e.g., high and low beams (Para, 79) as well as wide and narrow beams (Para. 80). Moreover, Martin discloses tailoring corresponding LEDs and their associated reflective segments to generate different light patterns in order to generate a desired light pattern (Para. 79).

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14. Applicant forwards various arguments based on claims amended 11/3/2006, which are new and were not addressed in the prior office action dated 6/1/2006. The merit of these arguments is wholly addressed above.

15. Applicant asserts that CHAPMAN does not teach a luminous beam having three aspects of comfort, breadth and range. However, as acknowledged by Applicant, CHAPMAN discloses light shields that redirect light from the cockpit, thus providing luminous rays for the area of comfort. Furthermore, it is inherent that all light sources have breadth and range.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

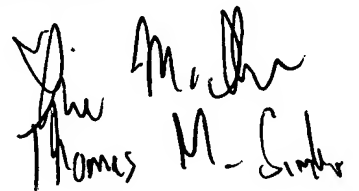
Correspondence

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Adam C. Rehm whose telephone number is 571.272.8589. The examiner can normally be reached on M-F 9-5:30 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jong (James) Lee can be reached at 571.272.7044. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

ACR
1/19/2007


Thomas M. Ginter
Primary Examiner